

HBT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION  
v. :  
SCOTT HORNICK : NO. 08-412-3

**FILED**

OCT 06 2009

MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

ORDER

AND NOW, this 6th day of October, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of the defendant, Scott Hornick, to dismiss Counts One through Seven, and Count Nine of the superseding indictment is DENIED;

(2) the motion of the defendant, Scott Hornick, to dismiss Count Eight of the superseding indictment (incorrectly denominated as Count Ten in the defendant's motion) is GRANTED without prejudice to the filing of a second superseding indictment containing an amended Count Eight; and

(3) the Government, to the extent it has not already done so, is directed to advise the defendant forthwith of the approximate date or dates he violated 18 U.S.C. §§ 2118(b) and 2 as alleged in Count Nine of the superseding indictment.

BY THE COURT:

[Signature]  
C.J.